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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

10 ***

11 ROGER D. HEMBREE, SR., an individual,

12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOES I through
15 X and ROE CORPORATIONS I through X,
inclusive,

16 Defendants.
17

CASE NO.: 2:20-cv-02234-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[FIRST REQUEST]

18 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
19 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
20 by one hundred twenty-two (122) days, up to and including Monday, April 18, 2022. In addition,
21 the parties request that the all other future deadlines contemplated by the Discovery Plan and
22 Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request,
23 the parties state as follows:

- 24 1. On July 21, 2020, Plaintiff filed his Complaint in the Eight Judicial District Court.
- 25 2. On October 30, 2020, Defendant filed its Motion to Dismiss Plaintiff's Complaint.
- 26 3. On November 16, 2020, Plaintiff filed his Opposition to Motion to Dismiss.
- 27 4. On November 25, 2020, Defendant withdrew its Motion to Dismiss.
- 28 5. On December 10, 2020, Defendant Removed the case to Federal Court.

6. On December 17, 2020, Defendant filed its Answer to Complaint.
7. On January 11, 2021, Plaintiff filed his Motion to Remand.
8. On January 25, 2021, Defendant filed its Opposition to Motion to Remand.
9. On February 1, 2021, Plaintiff filed his Reply in Support of Motion to Remand.
10. On February 17, 2021, the Court entered the Discovery Plan and Scheduling Order.
11. On February 1, 2021, the parties conducted an initial FRCP 26(f) conference.
12. On January 26, 2021, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
13. On March 3, 2021, Plaintiff served his FRCP 26 Initial Disclosures on Defendant.
14. On April 30, 2021, Plaintiff served written discovery on Defendant. Defendant served responses on June 9, 2021.
15. On June 17, 2021, Defendant served written discovery on Plaintiff. Plaintiff served his responses on August 20, 2021.

DISCOVERY REMAINING

1. The parties will continue participating in written discovery.
2. Defendant will depose Plaintiff.
3. Plaintiff will depose Defendant's FRCP 30(b)(6) witness.
4. The parties may depose any and all other witnesses garnered through discovery, potentially including treatment providers and claims adjusters.
5. The parties will designate expert witnesses and may conduct depositions of those expert witnesses.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing sufficient time to conduct discovery. Specifically, the parties require additional time to complete deposition of the parties and other pertinent witnesses including medical providers and/or experts once designated. Defendant's claims employees continue to work remotely out of state, which impacts scheduling of depositions and warrants additional time to complete discovery. Defendant

also continues to obtain medical records. Although the parties have been diligent in early discovery efforts, covid-19 related delays which have impacted litigation in general, necessitate an extension of the current discovery deadlines, including expert deadlines, to allow the parties a fulsome opportunity to complete discovery.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Friday, December 17, 2021</i>	<i>Monday, April 18, 2022</i>
Deadline to Amend Pleadings or Add Parties	<i>Friday, September 17, 2021</i>	<i>Monday, January 17, 2022</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Monday, October 18, 2021</i>	<i>Thursday, February 17, 2022</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Wednesday, November 17, 2021</i>	<i>Monday, March 21, 2022</i>
Dispositive Motions	<i>Tuesday, January 18, 2022</i>	<i>Wednesday, May 18, 2022</i>
Joint Pretrial Order	<i>Friday, February 17, 2022</i>	<i>Monday, June 20, 2022</i>

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

WHEREFORE, the parties respectfully request that this Court extend the discovery period by one hundred twenty-two (122) days from the current deadline of December 17, 2021, up to and including April 18, 2022, and the other dates as outlined in accordance with the table

above.
DATED this 14th day of September, 2021.

DATED this 14th day of September, 2021.

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ORDER

IT IS SO ORDERED:

Dated this 17th day of September, 2021.


UNITED STATES MAGISTRATE JUDGE